

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION

DAVE THOMAS HORN,

Petitioner,

v.

Civil Action No. 1:07-00503

DAVID BALLARD, Warden,  
Mount Olive Correctional Complex,

Respondent.

JUDGMENT ORDER

For the reasons stated in a Memorandum Opinion to be filed herewith, the court **OVERRULES** petitioner's objections (Doc. No. 19), **ADOPTS IN PART** the findings and conclusions contained in the PF & R (Doc. No. 16), **GRANTS** respondent's motion for summary judgment (Doc. No. 10), **DISMISSES** petitioner's application (Doc. Nos. 1), and **DIRECTS** the Clerk to remove this matter from the court's active docket.

The Clerk is directed to send a certified copy of this Judgment Order to all counsel of record and petitioner, pro se.

**IT IS SO ORDERED** this 31st day of March, 2009.

ENTER:

David A. Faber  
David A. Faber  
Senior United States District Judge